

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 STATE OF WASHINGTON,

8 Plaintiff,

9 vs.

10 BETSY DeVOS, in her official capacity  
11 as Secretary of the United States  
12 Department of Education, and the  
13 UNITED STATES DEPARTMENT OF  
14 EDUCATION, a federal agency,

15 Defendants.

NO: 2:20-CV-0182-TOR

SCHEDULING ORDER

16 A telephonic status conference was held in the above-entitled matter on  
17 September 23, 2020. R. July Simpson and Spencer W. Coates appeared on behalf  
18 of Plaintiff. Alexander V. Sverdlov appeared on behalf of Defendants. The Court  
19 reviewed the Joint Status Report (ECF No. 68), heard from counsel, and is fully  
20 informed.

//

1       **IT IS ORDERED:**

2       **1. General Court Procedures**

3       Pursuant to Fed. R. Civ. P. 16(b)(4), the dates set forth in this Order may be  
4 amended **only** by Order of the Court and upon a showing of good cause. Counsel  
5 are to review and employ Local Rule 83.1 (Civility) and Washington Rule of  
6 Professional Conduct 3.4 (Fairness To Opposing Party And Counsel).

7       **2. Mediation**

8       If parties elect to proceed to mediation, it should be completed as early as  
9 possible to avoid the unnecessary expenditure of judicial resources.

10       **3. Rule 26(a)(1) Exchange**

11       This case is exempt from the initial disclosure requirements under Federal  
12 Rule of Civil Procedure 26(a)(1)(B).

13       **4. Administrative Record**

14       The Defendants have filed the administrative record on August 7, 2020 at  
15 ECF No. 64.

16       **5. Amend Pleadings or Add Parties**

17       Any motion to amend the pleadings or add parties shall be filed no later than  
18 **October 1, 2020.** Defendants reserve the right to file an Answer to the First  
19 Amended Complaint, after disposition of the cross-motions for summary judgment.

20    //

1           **6. Discovery**

2           Only limited discovery may be allowed in this administrative review case, for  
3 good cause shown. A party seeking discovery shall file a motion seeking to open  
4 discovery and show good cause. Such motion shall be filed by **November 2, 2020**.  
5 The parties shall not file discovery, except those portions necessary to support  
6 motions or objections.

7           To avoid wasted time and expense, counsel shall contact chambers to  
8 schedule a telephonic conference to obtain an expedited ruling on discovery  
9 disputes.

10           **6. Rule 52 Cross-Motions for Judgment**

11           Plaintiff shall file its motion for summary judgment under Federal Rule of  
12 Civil Procedure 52 no later than **November 20, 2020**, limited to no more than 24  
13 pages.

14           Defendants' combined cross-motion for summary judgment and opposition to  
15 Plaintiff's motion shall be filed no later than **December 21, 2020**, limited to no  
16 more than 30 pages.

17           Plaintiff's combined reply in support of summary judgment and opposition to  
18 Defendants' cross-motion for summary judgment shall be filed no later than  
19 **January 29, 2021**, limited to no more than 20 pages.


1 Defendants' reply in support of cross-motion for summary judgment shall be  
2 filed no later than **February 19, 2021**, limited to no more than 14 pages

3 The case will be considered submitted to the Court without oral argument on  
4 **February 24, 2021**, unless either party requests oral argument no later than  
5 January 29, 2021 and complies with LCivR 7(i)(3).

6 The District Court Clerk is directed to enter this Order and provide copies to  
7 counsel.

8 DATED September 23, 2020.



  
THOMAS O. RICE  
United States District Judge